

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3117 of 1984

WITH

SPECIAL CIVIL APPLICATION No 3118 of 1984

AND

SPECIAL CIVIL APPLICATION No 3119 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

JAMNAGAR MUNICIPAL CORPORATION

Versus

BHIKHUBHA UNARJI

Appearance: In all the three Special Civil Applications:

MR JR NANAVATI for Petitioner

MR MANOJ POPAT for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 04/12/96

ORAL JUDGEMENT

1. All these three Special Civil Applications proceed on the same facts and grounds and as such, the same are being disposed of by this common order.

2. The petitioner, herein Jamnagar Municipal Corporation, filed these Special Civil Applications before this court challenging thereunder the order of the Labour Court made on application of the respondents herein, regarding the computation of the claim for overtime work. This computation has been made admittedly in application filed by the respondents under sec.33-C(2) of Industrial Disputes Act, 1947.

3. Relying on the decision of the Supreme Court in the case of Municipal Corporation of Delhi vs. Ganesh Razak and Anr. reported in 1995(1) SCC 235 Shri J.R. Nanavati, counsel for the petitioner contended that the orders of the Labour court are without jurisdiction as claim of overtime made by the respondents by filing an application under sec.33-C(2) of the I.D. Act, 1947 was not maintainable.

4. On the other hand, Shri Manoj Popat counsel for the respondent supported the orders of the Labour court.

5. I have considered the very question only yesterday in the case of Ahmedabad Municipal Corporation vs. N.A. Gajjar in Special Civil Application No.2779 of 1984 with Sp. C.A. 2781 of 1984 where relying on the decision of the Supreme Court aforesaid I have taken a view that the claim of the workman for overtime is not maintainable under sec.33-C(2) of the I.D. Act, 1947. In view of my own decision in the aforesaid case, the order of the Labour court made in these cases cannot be allowed to stand.

6. In the result, these Special Civil Applications succeed and the same are allowed. The orders of the Labour court dated 27th March, 1984, 19th April, 1984 and 18th April, 1984 impugned in Special Civil Applications No.3117, 3118 and 3119 of 1984 respectively are quashed and set aside. Rule is made absolute.

zgs/-